

REMARKS

Claims 5, 9, 11-14, 17, 18, 21-28, 32, 34, 37-39, 42-45, and 48 are pending. A Final Office Action mailed August 5, 2005 rejected Claims 5, 9, 11, 13, 14, 18, 21-28, 32, 34, 37-39, 42-45, and 48 under 35 U.S.C. 103(a) and allowed Claims 12 and 17 if amended to incorporate the limitations of the rejected independent claims. By way of this amendment, Applicant amends Claims 5, 13, 21, 23, 25, and 38. Pursuant to 37 CFR § 1.116, Applicants hereby respectfully request reconsideration of the application.

REJECTION OF CLAIMS 5, 9, 11-14, 17, 18, 21-28, 32, 34, 37-39, 42-45, AND 48 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 5, 11, 13, 14, 18, 21-28, 34, 38, 39, and 42-45 as being unpatentable over Crook (U.S. Patent No. 5,142,478) in view of Cooper (U.S. Patent No. 4,316,252). Applicant respectfully traverses this rejection.

With regard to independent Claims 5, 13, 21, 23, 25, and 38, the Office Action states that Crook discloses assigning a risk of go-around value to each parameter indicative of an unstabilized approach and summing the assigned risk values. Applicant respectfully submits that Crook does not teach or fairly suggest assigning risk values to parameters indicative of an unstabilized approach and summing the assigned risk values. Instead, Crook teaches receiving a signal on an aircraft from a ground placed transmitter whereby the strength of the signal is indirectly proportional to the distance between the aircraft and the transmitter (abstract). The *distance* is used to make a safe or unsafe decision (abstract). For example, Crook states “the measurable signal transmitter 2 located at the far end of the active run way 1 continuously transmits a constant amplitude signal that is received by ... a landing aircraft 3 ... the *distance* from the end of the runway to the location the aircraft would be when it comes to a complete stop (d3) can be *computed*” (Col. 2, Lines 15-30). *Thus, Crook discloses determining a distance based on the strength of a signal and making computations based upon that distance rather than*

assigning risk values to parameters and summing the assigned risk values. Accordingly, Applicants submit that Claims 5, 13, 21, 23, 25, and 38 are allowable. Dependent Claims 9-12, 14-18, 22, 24, 26-37, and 39-48 are allowable for the same reason.

In further regard to independent Claims 5, 13, 21, 23, 25, and 38, the Office Action states that Crook does not disclose an alert signal when the summed values exceed a predetermined threshold amount, but Cooper teaches an alert signal when the landing is unsafe and it would have been obvious to employ the teaching of Cooper in the system of Crook. First, Applicant respectfully submits that Cooper teaches away from being combined with Crook. Crook teaches “a measurable signal from *a transmitter located at the far end of the active runway.*” (abstract). Cooper states, “It is a further object of this invention to provide the above-described improved aircraft position indicator *which does not rely on wheel speed or the existence of a ground placed transmitter.*” (Col. 1, Line 53). Combining Cooper with Crook would result in an aircraft position indicator that relied on a ground placed transmitter located at the far end of a runway. Accordingly, Cooper expressly teaches away from being combined with Crook.

Second, assuming arguendo that the references are properly combined, neither Crook nor Cooper teaches an alert signal when the summation value *exceeds a threshold amount.* As discussed previously, Crook does not teach assigning risk values and summing those values. Therefore, Crook *a fortiori* does not teach an alert signal when the summation exceeds a threshold amount. Similarly, Cooper fails to assign risk values, sum the risk values, and create an alert signal when the summation exceeds a threshold amount. Instead, Cooper captures speed and distance parameters, determines whether an airplane can stop based on the speed and distance parameters, and alerts without any involvement of risk values or summing of risk values. For example, Cooper states, “An alerting means monitors airplane ground speed, decelerating factor and the distance R to produce an alert signal *if the instantaneous values of the monitored parameters indicate [excessive speed]*” (Col. 2, Line 43). Accordingly,

Applicants submit that Claims 5, 13, 21, 23, 25, and 38 are allowable. Dependent Claims 9-12, 14-18, 22, 24, 26-37, and 39-48 are allowable for the same reason.

The Office Action rejected Claims 9, 32, 37, and 48 as being unpatentable over Crook in view of Cooper and in further view of Muller (U.S. Patent No. 5,839,080). Applicant respectfully traverses this rejection.

With regard to dependent Claims 9, 32, 37, and 48, Applicant respectfully submits that Muller fails to overcome the deficiencies set forth above: (1) assigning risk values, (2) summing risk values, and (3) asserting an alert signal based on the summation. Accordingly, Applicants submit that Claims 9, 32, 37, and 48 are allowable.

CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are allowable over the cited references. Accordingly, Applicants respectfully request withdrawal of the rejections, allowance, and early passage through issuance. If the examiner has any questions, the examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/15/05

Date of Deposit


Michelle J. Carman